

I expected then to leave this place on <that> /this/ day but the Assembly have put off the Election of a Governor till to morrow which will detain me some days longer

I had a conversation yesterday evening with Colo. Davie who seems to think that on account of some difficulties that occur no change will be made in the Court System this Session<sup>2</sup>

Spencer <has been> /is/ here soliciting some further compensation to himself and Brethren for their faithfull Service but is not like to succeed and so dissatisfied with the Conduct of the Assembly that he has expressed a wish to offer his Services to the United States and would condescend to accept an Appointment in their Courts, whether as a Judge of the Supreme Court or of the District Court I have not heard. it is said that neither Cushing nor Rutledge will accept their Appointments and he has no doubt of his being equal to either of them in point of Abilities & Reputation.<sup>3</sup> he has asked Colo. Davie to recommend him to Mr. Elsworth & Doctor Johnson,<sup>4</sup> he is to apply to me on the same Subject but has not yet done it

My Brother is recovering his strength by using exercise on horse back every day, Mr. Dawson is quite well and so am I <app> except that I am frequently subject to take cold and am a little troubled with a Cough

Present my most affectionate Respects to my Sister and the Girls. kiss your dear little ones for me and believe ever, my dear Sir

Your most affectionate & Obedt. Servant

Sam Johnston

RC, Johnson Collection, NCSA. Printed, McRee, 2:274-275. Addressed "James Iredell Esquire Edenton <Be so /good/ as forward the inclosed Letters> Be so good as to forward the inclosed Letters."

<sup>1</sup>Samuel Johnston to JI, November 29, 1789, in this volume.

<sup>2</sup>See Samuel Johnston to JI, November 13, 1789, n. 1, in this volume.

<sup>3</sup>William Cushing (1732-1810) was chief justice of the Massachusetts Supreme Court from 1777 to 1789. He then became the first justice appointed to the U.S. Supreme Court and remained on the high court for twenty-one years. When appointed in September 1789, Cushing insisted on first riding the state court circuit in Massachusetts in order to provide a quorum of judges before accepting his seat on the U.S. Supreme Court. *DAB* s.v. "Cushing, William"; Leon Friedman and Fred L. Israel, eds., *The Justices of the United States Supreme Court, 1789-1969: Their Lives and Major Opinions*, vol. 1 (New York: Chelsea House Publishers, in association with R. R. Bowker Company, 1969), 65.

John Rutledge (1739-1800) served in the Continental Congress (1774-1775, 1782-1783), as governor of South Carolina (1779-1782), and as a delegate to the 1787 constitutional convention. Rutledge was appointed as a U.S. Supreme Court